

**VERMONT AGENCY OF AGRICULTURE, FOOD AND MARKETS (AAFM)  
VERMONT PESTICIDE ADVISORY COUNCIL (VPAC)  
MAY 9, 2018 MEETING MINUTES- FINAL**

**MEMBERS IN ATTENDANCE**

Boccuzzo, Linda (for AAFM)  
Bosworth, Sid  
Hazelrigg, Ann  
Hoffman-Contois, Razelle  
LaValley, Jenn (admin)  
Levey, Rick  
Palmer, Eric  
Schultz, Barbara  
Shively, Andy

**MEMBERS ABSENT**

Giguere, Cary

**GUESTS**

Jenn Callahan  
Alysha Kane  
Dominique Golliot  
Jarod Wilcox  
Sara Packer  
Jeff Disorda  
Mike Bald  
Judith Persin  
James Minnich  
Bert Stewart  
Mariclaire Rigby  
Eric Gemborys  
Wendy Priestley  
Tim Harty  
Dana Banks  
Craig Heindel  
Eric Trucott  
Peter Young  
Ben Delorme  
Rick T. Boucher  
Brian Chateauvert

**Meeting Called to Order**

10:06 am EDT

**Meeting Adjourned**

4:00 pm EDT (L. Boccuzzo moved, A. Shively seconded)

**Announcements**

- Minutes from the March 20, 2018 meeting were reviewed and approved (S. Boccuzzo moved, R. Levey seconded; 7 Yes. S. Bosworth abstained as was absent). Final minutes will be posted on the VPAC SharePoint.
- Razelle reported that as moved and approved at the February 5, 2018 meeting, on behalf of VPAC, a memo was submitted to the Secretary of AAFM requesting that AAFM collaborate with the governor's office to identify qualified candidates for openings on the Council. She asked Linda for a status report. Linda indicated AAFM is aware that appointments for 2 of the 3 openings are in progress, if not recently completed. New members will start attending meetings at an as yet unspecified date. Razelle asked to be provided with contact information for new appointees when AAFM is advised of such, as her practice is to reach out and speak with each new appointee to welcome them and provide an overview of VPAC's function and background materials.
- Razelle and Linda reported that, as requested by VPAC during the March 20, 2018 meeting, a draft requesting policy guidance regarding regulatory coordination of invasive species control is under development. A preliminary draft will be provided to VPAC for review and discussion.
- In response to a query from Razelle regarding pilot use of VT-ALERT, Linda reported AAFM will not use going forward. Recent efforts to use this non-required, electronic means of notification of planned herbicide application to utility, railroad and Vermont Agency of Transportation Rights-of-Way (ROWs) revealed that the tool, as it currently exists, does not provide an efficient, effective means of public outreach and notification. As always, methods of notification specified in the Regulations for the Control of Pesticides will be employed.

**Public Comment**

Razelle reported that comments received by e-mail had been shared with the Council. She noted comments are always welcome and may be provided in whatever manner desired e.g., in person at a meeting, a written handout, via e-mail etc.

- James Minnich identified himself as a resident of Bethel since 2011. He expressed several concerns regarding what he referred to as a national movement to relax environmental standards and the influence of large chemical corporations. Mr. Minnich described his concerns regarding use of chemical herbicides within Green Mountain Power's (GMP) ROWs and requested GMP's permit application be denied and alternative means of control explored. He stressed a desire to see chemical use stopped and control conducted "organically".
- Judith Persin identified herself as retired nurse who moved to Vermont in 2011. She expressed her concerns regarding potential toxic effects that may be related to the use of chemical herbicides. Ms. Persin described her concern that statements made by academia and chemical companies regarding potential effects of exposure may not be unbiased and that financial gain may be a confounder. She would like to see

mechanical means of control funded instead of use of chemical herbicides. She stressed a desire to see legislature become active in stopping the use of chemical products and expressed concerns regarding the potential influence of the American Legislative Exchange Council.

- Mike Bald requested that the VPAC work to develop a pre-emptive policy stance/recommendation regarding dicamba usage. He noted pre-emptive planning would be useful in the event dicamba becomes a concern in Vermont. He stated reports indicate beer and wine may contain glyphosate due to use of this chemical as a desiccant. He would like to see Vermont get ahead of such use before it becomes accepted policy.

## **Business**

### **Review of Permit Application to Conduct Herbicide Treatment within Rights-of-Way**

Several permit requests were reviewed and subsequently recommended to the Secretary of AAFM (Secretary) for approval. Since the May 2014 meeting, the Council has requested that a summary of pesticide usage (for at least the last two treatment cycles if there have been at least two) be included with each permit application or that such information be provided for discussion at the annual VPAC ROW permit application review meeting. Some applicants provided this information in the permit application package while others distributed during the meeting. Permits issued in 2017 and the 2018 permit applications discussed below have been uploaded to the VPAC SharePoint.

## **Morning Session**

### **Vermont Agency of Transportation (VTRANS)**

Jennifer Callahan and Alysha Kane, Stormwater Technicians with the VTRANS Operations and Maintenance Bureau, presented the 2018 permit application. An overview of the 2017 treatment season was provided. Ms. Callahan stated the 2017 pilot effort to use VTRANS trucks in vegetation management efforts identified challenges VTRANS is working to address. The pilot will continue in 2018. VTRANS is working with AAFM to provide increased pre- and post- season training for applicators. Ms. Kane recapped that in 2017, VTRANS provided an iPad to each district for use throughout the treatment season so applicators could use a mapping tool VTRANS developed in ARCGIS that provides much information including, but not limited to, buffers and no-spray zones. The iPads were used to pre-mark roads and buffers. While some technology training time is involved, VTRANS has received very positive feedback from users. The tool provides the capability to create a state-wide no-spray zone data layer by year. Separate district-wide no-spray zone data layer(s) can also be created. It was noted that use of this tool and these approaches provide for continuity of operations as time, and staff, move on. Ann Hazelrigg asked what methods of public notification are employed. Ms. Callahan replied newspaper announcements and radio spots as well as public contact with VTRANS. She noted that since public contact/no-spray requests are kept on file, applicators have the ability follow-up if a request is not received for an area where there's historically been such. However, conducting such follow-up is not a regulatory requirement. She stressed that each year VTRANS must receive a no-spray request from the landowner. If a no-spray request is granted, the landowner is responsible for maintenance of that area of the ROW. Per the signed landowner agreement, if maintenance does not occur before VTRANS goes to treat that specific area, it will be treated. It was noted that most no-spray requests received tend to be associated with organic farms and a few areas where guardrails cross front yards. Sid Bosworth asked if VTRANS has received any complaints regarding the ability to honor no-spray requests. Ms. Callahan replied the process appears to work well and no complaints have been received by those involved. Linda Boccuzzo indicated augmented pre- and post- season training of applicators has improved the entire process. Ms. Callahan reported that the same contractors will be used in 2018 as in the last few years. A VTRANS applicator rides along with the contractor. Applicators are getting to know the inspectors and increased education and awareness efforts have gone well. Submission of spray reports has improved. Rick Levey noted that the May 2017 VPAC meeting minutes indicate VTRANS is treating earlier in the season. Ms. Kane replied the 2018 season is a bit late due to recent snowfall. Ms. Callahan described the importance of treatment timing for peak efficacy. The usage chart was reviewed and discussed. Ms. Callahan noted VTRANS currently primarily uses contractors. They are working closely with AAFM and carefully considering if it would be appropriate to use the VTRANS truck pilot effort on highways in Districts 4 and 5. Ann asked why herbicide usage in 2015 was so low. Ms. Callahan explained it was due to funding and timing issues. Rick asked if VTRANS can provide the number of acres treated. Ms. Callahan and Ms. Kane indicated they believed the number of miles that could potentially be treated could be derived. Rick asked if they could estimate the amount of each product used. Ms. Callahan noted they are hoping to build this functionality into the tracking system that is under development. Barbara Schultz asked if the noted decreases and subsequent increases in usage are certain. Ms. Callahan explain that prior to 2013 a different person ran the program for many years and information from that period is less certain than information available since she took over. For example, use on State airports was typically not reported but the 2014 values include airports. Historic use patterns are somewhat uncertain and there may have been alternating treatment of primary and secondary roads. Eric Palmer asked about the guardrail treatment program. Ms. Callahan reported that at present, guardrails are sprayed every year, but this is being evaluated to determine if an alternate pattern can be developed. Ms. Callahan explained that VTRANS has worked closely with applicators to bring them up to speed and while there were some equipment issues and challenges with reporting, it is hoped that these matters have been resolved in time for this treatment season. The Council voted that the application be forwarded to the Secretary for approval (L. Boccuzzo moved, S. Bosworth seconded; 7 yes, A. Shively abstained).

## **Utilities**

The Council discussed each proposed treatment plan in detail. Pesticide usage and highlights of the 2017 treatment cycle were provided. As in 2017, applicants were requested to consider areas where ROWs may cross authorized recreational paths (e.g., hiking trails, bike paths) and that means of making the public aware such areas may be treated with herbicides be included in management efforts including posting of dated signage (with contact information) at appropriate locations.

1. **Green Mountain Power (GMP)** – Jarod Wilcox presented both the 2018 Distribution and 2018 Transmission line permit requests.

#### **A. Green Mountain Power Distribution (fifth year post merger with CVPS)**

The 2018 permit application for treatment of the Distribution line and aspects of the 2017 treatment season were discussed. In response to a query from Razelle, Mr. Wilcox noted extensive, individual notification and outreach is underway and expected to continue. He observed that such advertising is an effective way to reach out to and hear back from the public. An herbicide usage graph was reviewed and discussed. Mr. Wilcox noted that in 2017, usage rates declined further with 554 acres treated at a rate of 0.07 gallons concentrate per acre for Krenite [S]<sup>®</sup>

and Garlon 4<sup>®</sup> each. Ann asked why there has been a fairly steady decline in use rate since 1998. Mr. Wilcox offered that several factors are involved including: stem densities are decreasing thus less trees/biomass are found within the ROWs; the way in which Thinvert<sup>®</sup> is used has evolved which allows much less to be used (especially in the Transmission ROWs); changing products increases efficacy of control efforts and repeatedly using the same qualified contractors increases efficiency. As in 2017, Mr. Wilcox advised that he personally vets all potential contractors and it is becoming increasingly difficult to find qualified contractors to conduct the required work and outreach. He would like to keep 1 to 2 experienced crews working this season. Rick asked for feedback regarding the use Krenite S<sup>®</sup> plus Polaris<sup>®</sup> and if inquiries regarding brownout have been an issue. Mr. Wilcox noted the mix was found to provide good control and reduce the use of Krenite S<sup>®</sup>. GMP is sensitive to public perception regarding brownout and considers this in determining where the mix will be used. Increased public outreach and educational efforts have been effective in addressing questions regarding brownout. In response to questions regarding posting of recreational areas, Mr. Wilcox described a GIS data layer they've developed indicating recreational trails etc. which is used by their crews to identify where dated signs are to be posted. Barbara asked how areas near organic farms are addressed. Mr. Wilcox explained there are different mechanisms. If a farm is certified organic by NOFA, he is contacted, and these are included and flagged on GMP's GIS map and transferred to field use maps for use by applicators. If smaller, non-certified organic farm operations contact Mr. Wilcox, this is put on their notification and mapped as well. If a customer has other fields, these can also be mapped. Sid asked if an estimate of the total number of acres flagged across the Distribution line acres is available as this information could help address public comments heard today. While not immediately available, Mr. Wilcox could compile if so desired. He noted most landowners with no-spray zones maintain the areas to required specifications. Sid asked for, and Mr. Wilcox agreed to work to develop for the 2019 ROW permit application review meeting, a comparison of the estimated cost to maintain an entire ROW corridor to specification using mechanical means of control only versus the current integrated vegetation maintenance program. The Council unanimously voted that the application be forwarded to the Secretary for approval (A. Hazelrigg moved, A. Shively seconded).

## **B. Green Mountain Power Transmission (fifth year post merger with CVPS)**

The 2018 permit application for treatment of the Transmission line and aspects of the 2017 treatment season were discussed. Mr. Wilcox noted that the last of the legacy lines that had previously not been managed using integrated vegetation management practices are expected to be brought into GMP's IVM program in 2018. He estimated that 1400 acres will be treated this year. Efforts began in 2013 and a 5-year treatment cycle has been established. A decrease in herbicide use should be seen in 2019. Herbicide usage charts were reviewed and discussed. Mr. Wilcox noted that this year, the "wire zone" is targeted for treatment. This area was described as a restricted access area that runs directly underneath the cross arms of the transmission pole i.e., a 15-foot-wide area that extends between transmission poles. The control objective is to convert this area to herbaceous growth as there have been several transmission fails due to weather and tree damage. This resulted in the increase in usage noted. Razelle asked for a status report on the pilot using Method 240SL<sup>®</sup> with active ingredient (a.i.) aminocyclopyrachlor on the Searsburg line wholly contained on GMP's property. Mr. Wilcox reported the pilot is underway. Fifteen gallons of a mix of Method 240SL<sup>®</sup>, Polaris<sup>®</sup> and Escort<sup>®</sup> was used in total. Results remain to be determined. Handouts with photos comparing the condition of a treated spot at two different times post application were provided and discussed. It was noted that a potential item of interest with this product is off target movement which was observed in particular with misapplication to golf courses. Label changes that address potential concerns were noted. Mr. Wilcox explained that while current observations indicate the product will work and there's minimal off target damage, he continues to monitor closely for any off-target impacts and will recheck in another month. If the pilot reveals good efficacy and all involved determine use of this product is a viable option, this could result in a significant decrease in overall herbicide usage. Method 240SL<sup>®</sup> was requested in the permit application for potential use in the pilot area only. Mr. Wilcox noted he is not certain he will use in the pilot area again until he can determine the results. Linda asked for, and Mr. Wilcox agreed to provide, the number of acres treated in the pilot. Results of the pilot will be provided to VPAC as soon as they are available. Razelle noted that unlike prior years, Krenite S<sup>®</sup> was not requested for use. Mr. Wilcox stated it is not needed this year. Notification and outreach has occurred. As noted for the Distribution line, there has been quite a bit of communication with the public. The Council unanimously voted that the application be forwarded to the Secretary for approval with the condition that Method 240SL<sup>®</sup> would only potentially be used in the ongoing pilot on GMP owned land in Searsburg and with the understanding that GMP report back their findings (B. Schultz moved, A. Hazelrigg seconded).

2. **Vermont Electric Cooperative (VEC)** – Sara Packer presented the 2018 permit request. VEC involves both transmission and distribution lines. Ms. Packer noted that the acreage to be treated in 2018 is slightly increased from 2017 as one aspect of the program was not completed last year and is being carried over to this year. While VEC has not used any cut stump treatment to date, as in previous years, permission to do so is requested in the event it becomes necessary. Treatment will be mainly via selective low volume foliar. Ms. Packer noted that unlike prior years, the 2018 application requests permission to conduct foliar treatment up to 15 feet parallel to surface water (e.g., roadside ditches) using one of the following: Tank Mix #1 Rodeo<sup>®</sup>, Escort XP<sup>®</sup> or Patriot<sup>®</sup>, Arsenal Powerline<sup>®</sup> or Polaris<sup>®</sup> or Tank Mix #2 Krenite S<sup>®</sup>, Escort XP<sup>®</sup> or Patriot<sup>®</sup>, Arsenal Powerline<sup>®</sup> or Polaris<sup>®</sup>. Extensive discussion regarding use of the tank mix and proposed buffer distance ensued. Various members of the Council expressed concerns including, but not limited to, potential ecological implications of using either tank mix with this buffer distance. Rick and Eric questioned if using only Garlon 4<sup>®</sup> would be feasible. Ms. Packer noted using the tank mix would be easier as they could treat as they go, and they may not be able to go back and treat using a backpack sprayer with Garlon 4<sup>®</sup> only. Eric noted that as the application proposes something different from long standing recommendations for utility ROW treatments, additional information with adequate time to review, carefully consider and discuss would be required. Rick and Sid, among others, agreed. Barbara suggested it would be helpful if applicants requesting revised/new aspects provide their permit application well in advance of April 1 to allow ample time for the Council to review. Ms. Packer noted the intent was to model the 2018 request after the 2017 VTRANS permit conditions. Extensive discussion of products and buffer distances currently recommended for different types of ROWs, including VTRANS, ensued. Many agreed additional discussion and investigation would be appropriate. Razelle suggested that buffer distances in general may be a good topic for VPAC to take on as the next big review effort. Given the lengthy discussion and concerns expressed, Razelle asked if the Council would be comfortable making the same recommendations for the VEC program as in 2017. The Council agreed, and Ms. Packer did not object. Razelle moved that the permit application be forwarded to the Secretary for approval with the same recommendations as made in 2017. Sid Bosworth seconded. The Council unanimously voted that the application be forwarded to the Secretary for approval.

3. **Vermont Electric Power Company (VELCO)** – Jeff Disorda presented the 2018 permit request. VELCO is on a 4-year treatment cycle. Product usage in 2017 was discussed. A graph of gallons of product used per acre will be provided [received 5/11/18 via e-mail and posted to VPAC SharePoint]. Remaining new lines are being brought into VELCO’s IVM program this year which may result in a slight increase in product use compared to 2017. It was noted that Rodeo® (a.i. glyphosate) is currently being used at less than half the recommended rate. Mr. Disorda provided a comparison of cost per acre associated with different means of vegetation control: Foliar treatment with herbicide ~ \$260/acre; Mechanical Mowing/Use of Brontosaurus ~ \$800/acre and Chainsaw ~\$600/acre. As Mr. Wilcox described, Mr. Disorda noted it is becoming increasingly difficult to find qualified contractors to conduct the work required. He noted it is difficult to maintain a qualified workforce that can work near an energized conductor and that this is a national, not local, issue. Razelle asked if VELCO had worked at all with GMP on the Method 240SL® pilot. Mr. Disorda noted that while not to date, VELCO has been carefully observing efficacy achieved by peers who use different products and he would like to visit the GMP pilot area with Mr. Wilcox. Mr. Wilcox and Mr. Disorda will coordinate. In response to a question from Rick, it was reported that VELCO continues to participate in Corridor Assessment with the Audubon Society to learn how bird species of particular interest may be using ROWs. For example, golden wing warblers have been tagged with geo-locators and efforts are underway to see if data indicates individuals return to the same ROW. Many different species are being found to frequent these maintained areas. Structures from the 1960’s continue to be replaced. The Council unanimously voted that the application be forwarded to the Secretary for approval (R. Levey moved, A. Shively seconded).
  
4. **National Grid**- Mariclaire Rigby presented the 2018 permit request. Treatment last occurred in 2016. A chart of pints of active ingredient used per acre over time was presented and discussed. In 2015, an increase in re-sprouting was noted. The increase in amount of product used in 2016 was noted to be attributable to treatment of buckthorn. Approximately 69 acres is requested to be treated in 2018. Crews are provided maps showing all areas of concern and associated buffers. The Council unanimously voted that the application be forwarded to the Secretary for approval (A. Hazelrigg moved, S. Bosworth seconded).
  
5. **Great River Hydro, LLC.** – Dr. Wendy Priestley of Vegetation Control Services, Inc., along with Tim Harty, presented the 2018 permit request for treatment in the Searsburg Penstock (pipeline) and Whitingham and Readsboro distribution powerline ROWs. The property under discussion was previously owned and operated by TransCanada. Treatment last occurred in 2015. Methods of notification include newspaper and in-person and/or hand delivery of notification documents to abutting landowners. A usage graph provided in the permit application was discussed. It was reported that repair work was conducted on the Penstock itself and very few leaks now occur. Razelle noted that the April 28, 2015 meeting minutes recap an extensive discussion of the physical setting of the Penstock and surrounding area including that the Penstock can be accessed from only one side with the other side described as “treacherous with steep ledges and boulders and not possible to maintain using mechanical means of control.” The Council had many questions regarding the products and treatment buffers presented in the 2018 permit application. Eric asked if Escort® had been included in the last permit issued. In response to these questions, Dr. Priestley clarified that the intent of the 2018 permit application was to request use of the same active ingredients, at the same rates and with the same buffer distances as was granted in 2015. Linda noted that glyphosate can be used for stump treatment and foliar application with a 10-foot buffer. At Razelle’s request, Rick accessed the VPAC SharePoint and displayed minutes of the April 2015 meeting, the 2015 TransCanada permit application and 2015 permit issued. The April 2015 minutes indicate the Council unanimously voted that the 2015 permit application be forwarded to the Secretary for approval [where using Rodeo® as requested] “with the provision that there be a 10 foot buffer to flowing water, whether it be naturally occurring or due to a Penstock leak, when using cut stump treatment or selective foliar application and there be a 5 foot buffer to standing water (pooling/puddles) when cut stump treatment is used and 10 foot buffer when using selective foliar application.” Given Dr. Priestley’s stated desire to make the same request as in 2015, Razelle asked if the Council would like to recommend the same conditions as in 2015. The Council unanimously agreed. The Council unanimously voted that the application, with the same language and conditions as recommended in 2015, be forwarded to the Secretary for approval (R. Levey moved, A. Shively seconded).

## Afternoon Session

### Public Comment -None

## Railways

Each permit application was reviewed and discussed in detail. As in 2017, applicants were requested to take into consideration areas where ROWs may cross authorized recreational paths (e.g., hiking trails, bike paths) and that means of making the public aware such areas may be treated with herbicides be included in management efforts including posting dated signage with contact information at appropriate locations.

### 1. **Vermont Rail Systems (VRS)**

Aspects of the 2017 treatment season, the 2018 proposed treatment program and individual 2018 permit applications were presented by, and discussed in detail with, Ben Delorme representing VRS and Brian Chateauvert representing RWC, Inc. who were joined by Peter Young, deputy general counsel for VRS. Mr. Delorme pointed out that neither Pan Am Southern Railway nor Central Maine and Quebec Railway is part of VRS. Razelle will edit the way they are grouped on the SharePoint. She noted that as in previous years, RWC, Inc. has proposed the same treatment program for these lines as VRS. Therefore, discussion of the proposal for VRS is pertinent when considering these two permit applications as well.

There was extensive discussion of the increased treatment distances permitted in 2017 including, but not limited to, where not prohibited by distance to water or other buffers or requirements, 12 feet from either side of centerline of the tracks in the ballast treatment program. The same treatment distances permitted in 2017, with an increase in distance after a whistle post from 5 feet to 20 feet, are proposed for 2018. Razelle asked why an increase in treatment after a whistle post is requested. Mr. Delorme and Mr. Chateauvert explained that removing brush from both sides allows the post to be clearly visible, prevents encroachment and reduces the need for brush cutter use. Barbara asked how it is decided when post-emergent treatment is to be conducted. Mr. Chateauvert replied they try and do as much control as possible using pre-emergent where allowed and use the second run to spot touch up areas they were not able to treat with the first run (pre-emergent). It was noted that Viewpoint® is a

combination of active ingredients recently used in Vermont. When asked if public feedback had been received in response to the 2017 treatment distances permitted, Mr. Chateauvert and Mr. Delorme noted no calls had been received. Linda noted AAFM also did not receive any calls and no feedback regarding treatment in Montpelier had been received to the best of her knowledge. She shared with the Council that post treatment in 2017, AAFM went out and evaluated the revised ballast program. Buffers were measured, and no violations were noted. A photo of a treated area was shared. Ann asked if use of the expanded buffer distances would be needed every year or if an alternating distance program would be developed. Mr. Delorme offered that use of the revised buffer distances provided good results. He explained that to meet federal railroad and safety requirements, they must be able to prevent areas from growing in and inhibiting visibility. The 2017 program, and proposed 2018 program, provides good control for the railroad track group and users alike. VRS requests to retain. Rick asked about results obtained using a treatment distance of 300 feet before and after a crossing. Mr. Delorme noted they found this provided the needed control. He added there are some situations where abutter activities have encroached on the ROW and if the area happens to be a garden, they tend to skip (not treat). Mr. Chateauvert noted they don't run into a lot of these situations.

As in 2017, discussion of potential increase in herbicide usage ensued including, but not limited to, the need for the permit application to accurately reflect anticipated usage associated with the requested treatment distances and that justification for revised distances be provided i.e., the applicant, or RWC on behalf of the applicant, to estimate annual use from 2016 treatment reports and use this to ground truth actual acreage treated and amount of product used with a request to evaluate a specific line (e.g., the Green Mountain Rail Line) from 2016 to 2017 (onset of revised distances). It was noted that there could be a potential increase in usage at first as areas are opened up but a decrease in total use could result, even early on, as the proposed program is anticipated to decrease the need for a second treatment. Razelle asked if the 2016 vs 2017 usage chart was available. Mr. Delorme indicated charts are under development. Mr. Chateauvert will send the information when available. Mr. Chateauvert noted acreage treated, change in acreage treated and usage will be tracked. He stated: 2016 1<sup>st</sup> run 366 acres treated and 2<sup>nd</sup> run 200 acres treated. 2017 470 acres treated and 2<sup>nd</sup> run 150 acres treated. It was noted that the second application is used to treat around bridges and spots that might have been missed with the first (pre-emergent) run.

The 2018 program proposes use of Viewpoint® at 13 ounces per acres (a.i. aminocyclopyrachlor, imazapyr and metsulfuron methyl) plus Esplanade 200 SC® (a.i. indaziflam at 4 ounces per acres). Use of Aquaneat® (a.i. glyphosate at 1 quart per acre first application; 2 quarts per acre second application) is also proposed. Razelle, as well as Mr. Delorme and Mr. Chateauvert, noted that the individual active ingredients in Viewpoint® are also found separately, or in various combination, in other products which the Council has previously reviewed, discussed and made recommendations regarding use thereof. Razelle briefly recapped concerns regarding potential use of a.i. indaziflam on the stretch of track along the Burlington Waterfront that she'd shared during the May 3, 2017 VPAC meeting. She noted her recent review of the U.S. Environmental Protection Agency's Office of Pesticide Programs (OPP) docket for this chemical did not reveal information that would alter the concerns previously noted. Similar concerns were not noted regarding potential use of Viewpoint®. Extensive discussion ensued including, but limited to, challenges of conducting vegetation maintenance within this ROW using chemical herbicides given public activities and timing of treatment to minimize the potential for public exposure even in areas that are part of the designated ROW. Detailed review of proposed use of Viewpoint® occurred. In response to some ecological/physical property questions raised by some members of the Council, Razelle shared various scientific documents in her files related to the active ingredients. These included, but were not limited to, documents from OPP dockets on these chemicals and human health and ecological risk assessments prepared by SERA for the U.S. Forest Service. Eric and Rick found this information helpful. They noted the active ingredients in Viewpoint® are reported to be of low toxicity to aquatic organisms and use in the Burlington Waterfront would not present any particular concern with regard to aquatic life. Razelle noted that the permit applications did not include a request for a ballast waiver. Mr. Chateauvert ask the Council to consider such a request. Mr. Chateauvert and Mr. Delorme noted treatment with the first run (pre-emergent) should eliminate the need for the second run. It was noted that Amtrak will soon travel this line

After extensive deliberation, the Council unanimously agreed to recommend the 2018 proposed VRS treatment plan (identical for all lines in VRS) and associated permit applications to the Secretary for approval as discussed. This includes the following amendments and conditions: as discussed, Viewpoint® (not indaziflam) may be used to treat the ROW in the Burlington Waterfront; revised estimates of acreage to be treated will be provided to AAFM; justification for changes in treatment distances and a commitment to evaluate 2016 versus 2017 usage on one rail line related to increased distances will be provided. In addition, the Council stated that all applications forwarded to the Secretary for approval are with the recommendation that other existing caveats and cautionary provisions be carried forward. For example, language regarding timing of treatment to reduce the potential for human exposure (e.g., in rail yards, at crossings, at the Burlington Waterfront) and details of tie end to tie end treatment are to be included. Any additional line-specific caveats, as warranted, are noted in the individual permit application review notes and motions that follow.

- Washington County (Barre) – Unlike in the past, neither Linda nor Razelle had heard from the public with any concerns regarding proposed treatment of the line between Main Street and Granite Street in Montpelier. The presenters noted structural repairs will be made to the line as increased traffic is anticipated to occur. Mr. Young stressed that effective vegetation management is crucial to prevent safety concerns. Mr. Chateauvert noted treatment prior to 6 am is workable if treatment with the pre-emergent (first run), where not prohibited by distance to water or other buffers or requirements, is permitted. He noted as they are using maintenance application rates, control doesn't hold for two years. The Council agreed use of the first run (pre-emergent) will help maintain control of vegetation and ensure safe operation. Treatment prior to 6 a.m. with the first run was recommended (A. Hazelrigg moved, S. Bosworth seconded).
- Clarendon and Pittsford (A. Hazelrigg moved, S. Bosworth seconded)
- Green Mountain Railroad (A. Hazelrigg moved, S. Bosworth seconded)
- Vermont Railway – The Burlington Waterfront be treated prior to 6 a.m. but not on a weekend or holiday and with a mix of Viewpoint® and a product containing glyphosate (not indaziflam) as discussed. (B. Schultz moved, S. Bosworth seconded).
- Washington County Railroad Connecticut River Division (A. Hazelrigg moved, S. Bosworth seconded)

## **2. Pan Am Southern Railway**

The 2018 permit application was presented by Dana Banks accompanied by Brian Chateauvert of RWC, Inc. The 2018 treatment program is the same as proposed for VRS. Treatment will be conducted by RWC, Inc. Thus, the discussion regarding the VRS 2018 proposal applies. Review and recommendations regarding this permit application were discussed. The Council unanimously agreed to recommend to the Secretary for approval with all the conditions and caveats as noted for the proposed 2018 VRS program, including the ballast waiver. (L. Boccuzzo moved, A. Hazelrigg seconded).

### **3. Central Maine and Quebec Railway (formerly Montreal, Maine and Atlantic)**

The 2018 permit application was presented by Eric Trucott accompanied by Brian Chateauvert of RWC, Inc. As noted above, the 2018 treatment program is the same as proposed for VRS. Treatment will be conducted by RWC, Inc. Thus, the discussion regarding the VRS 2018 proposal applies. Review and recommendations regarding this permit application were discussed. Linda asked Mr. Trucott for feedback regarding use of the expanded treatment distances in 2017. Mr. Trucott noted it was a great improvement. It significantly improved line of sight and was very effective in keeping drivers from creeping their vehicles up on to the tracks to try and see if a train is coming. No public feedback has been received. The Council unanimously agreed to recommend to the Secretary for approval with all the conditions and caveats as noted for the proposed 2018 VRS program, including the ballast waiver. (A. Shively moved, A. Hazelrigg seconded).

### **4. New England Central Railroad (NECRR)**

Craig Heindel presented the 2018 permit application. In 2013 this line was purchased by the Genesee and Wyoming. In response to a query from Razelle, Mr. Heindel noted a good line of communication has been established with the rail company. Ballast treatment is proposed with a 15 foot no spray buffer to water's edge. The 2018 program proposes use of Esplanade 200 SC® (a.i. indaziflam at 4 ounces per acre), Opensight® (active ingredients aminopyralid and metsulfuron methyl at 3 ounces per acre) and Razor Pro® (a.i. glyphosate at 2 pints per acre). Treatment widths and distances proposed in Section E. Control Details of the permit application were discussed. Upon review, Mr. Heindel requested these be made consistent with those just discussed for VRS including no greater than 12 feet each side of centerline, where not prohibited by distance to water or other buffers or requirements, and 20 feet after a whistle post. Razelle asked if the applicant is requesting use of a pre-emergent in the area of the Burlington Waterfront similar to what was discussed for Vermont Railway [see VRS above]. Mr. Heindel noted as far as he knows, no, and that the rail company requests the same permit language as issued in 2017 including all conditions and caveats. He noted treatment of the Burlington Waterfront using only glyphosate went well last year. He added that he saw no reason to object to use of the same recommendations as discussed for the portion of Vermont Railway that passes through the Burlington Waterfront, if the Council saw fit to so recommend. Maps of the rail line annotated with well and water supply locations in Vermont and tables of herbicide usage in 2016 and 2017 were reviewed and discussed. Interpretation of usage as presented was difficult given the mixed units employed. Razelle requested that a revised report showing amount in comparable units be provided. Linda offered that if the Council wants applicants to provide information regarding use of a.i. per acre, she will work with them to develop an efficient, useful way to do so. She noted that as provision of such information is not required for the permit application, permittees need time to make changes to the way in which information is documented. She offered to coordinate with Mr. Heindel to develop usage information in comparable units. Rick and Razelle offered to work together to develop a general draft of a request for such information for the Council to consider. The Council unanimously voted that the application be forward to the Secretary for approval with the revised distances discussed and same caveats and conditions as in 2017 permit including those pertaining to treatment of the Burlington Waterfront (A. Hazelrigg moved, A. Shively seconded).

Sid suggested that as there is little time before the proposed start of treatment, it might be helpful for the Council to entertain a motion regarding potential use of the first run (pre-emergent) in the Burlington Waterfront and provide the results to AAFM for consideration in case the applicant subsequently requests such. He offered that having the recommendation in hand could expedite the AAFM permitting process. Therefore, as a proactive measure, in the event NECRR does submit an amended proposal that requests use of the first run in this area, Sid moved that such an application be recommended to the Secretary for approval with revised treatment distances, caveats and conditions as just discussed [see Vermont Railway]. (S. Bosworth moved, B. Schultz seconded. 7 Yes. L. Boccuzzo abstained).

### **5. St. Lawrence and Atlantic Railroad (SLA)**

Craig Heindel presented the 2018 permit application. He informed the Council that a good line of communication has been established with the rail company. The same treatment program as proposed for NECRR is requested including a 15 foot no spray buffer to water's edge as well as continued use of a long-standing 500 foot no spray buffer both north and south of the Graham property located in Norton. He requested amendment of buffer distances as just discussed for the NECRR application. He spoke with the rail company and learned that the last Federal Railway Administration (FRA) safety inspection was conducted in December 2016. It is his understanding that while such inspections are typically conducted twice a year, this has not happened in this area due to position vacancy. He will see if he can obtain a copy of the 2016 report for the Council. He noted the 2016 report identified deficiencies and that ballast repair occurred along some portion of the line in 2017 with more planned for 2018. As Andy expected given the conditions he and Razelle observed during a May 3, 2016 site visit, Mr. Heindel confirmed a decreased speed of 2 mph is required through this area. It was explained that SLA also does a geometry inspection. Mr. Heindel noted that while no treatment within the buffer is currently requested, at some point there will be a significant rebuild at which point use of chemical herbicides may be requested. The Council voted unanimously that the permit application be forwarded to the Secretary for approval including correction of the treatment distances as discussed and the caveat that a 500 foot no spray buffer be established both north and south of the property in question and both ends of the buffer be clearly flagged (L. Boccuzzo moved, S. Bosworth seconded).

**Next Meeting Date:** To Be Determined